

Exhibit 2

Ben Rottenborn

From: Lee, Matthew <Matthew.Lee@wilsonelser.com>
Sent: Tuesday, August 23, 2022 12:24 PM
To: M. Paul Valois; Josh Long
Cc: Katie Thomas
Subject: RE: Anthony Smith - Rule 41 Dismissal

****EXTERNAL EMAIL****

Yes

Matthew Lee
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
8444 Westpark Drive - Suite 510
McLean, VA 22102-5102
703.852.7788 (Direct)
703.303.1460 (Cell)
703.245.9300 (Main)
703.245.9301 (Fax)
matthew.lee@wilsonelser.com



From: M. Paul Valois [mailto:mvalois@vbclegal.com]
Sent: Tuesday, August 23, 2022 12:17 PM
To: Lee, Matthew <Matthew.Lee@wilsonelser.com>; Long, Josh <jlong@woodsrogers.com>
Cc: Katie Thomas <kthomas@vbclegal.com>
Subject: Re: Anthony Smith - Rule 41 Dismissal

[EXTERNAL EMAIL]

Matt, can I add your signature and file the stipulation?

-- Paul

On 8/23/22 12:07, Lee, Matthew wrote:

Looks good to me.

Matthew Lee
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
8444 Westpark Drive - Suite 510
McLean, VA 22102-5102
703.852.7788 (Direct)
703.303.1460 (Cell)
703.245.9300 (Main)

703.245.9301 (Fax)

matthew.lee@wilsonelser.com



From: Long, Josh [<mailto:jlong@woodsrogers.com>]
Sent: Tuesday, August 23, 2022 11:01 AM
To: M. Paul Valois <mvalois@vbclegal.com>; Lee, Matthew <Matthew.Lee@wilsonelser.com>
Cc: Katie Thomas <kthomas@vbclegal.com>
Subject: RE: Anthony Smith - Rule 41 Dismissal

[EXTERNAL EMAIL]

Just realized I omitted Gillespie from the caption. Use this one instead.

Joshua F. P. Long
Principal

Woods Rogers Vandeventer Black PLC

10 S. Jefferson Street, Suite 1800 | Roanoke, VA 24011

P (540) 983-7725 | M (540) 529-5967 | F Office Fax (540) 983-7711 Direct Fax (540) 322-3710

jlong@woodsrogers.com

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From: Long, Josh <jlong@woodsrogers.com>
Sent: Tuesday, August 23, 2022 10:57 AM
To: M. Paul Valois <mvalois@vbclegal.com>; Lee, Matthew <Matthew.Lee@wilsonelser.com>
Cc: Katie Thomas <kthomas@vbclegal.com>
Subject: RE: Anthony Smith - Rule 41 Dismissal

Paul and Matt,

Attached is a proposed Stipulation of Voluntary Dismissal Without Prejudice. If this works for both of you, Paul please file it today. You'll need to add your signatures. Thanks.

Josh

From: Long, Josh <jlong@woodsrogers.com>
Sent: Tuesday, August 23, 2022 10:37 AM
To: M. Paul Valois <mvalois@vbclegal.com>; Lee, Matthew <Matthew.Lee@wilsonelser.com>
Cc: Katie Thomas <kthomas@vbclegal.com>
Subject: RE: Anthony Smith - Rule 41 Dismissal

Paul and Matt,

Centra agrees as well.

Josh

From: M. Paul Valois <mvalois@vbclegal.com>

Sent: Thursday, August 18, 2022 2:43 PM

To: Lee, Matthew <Matthew.Lee@wilsonelser.com>; Long, Josh <jlong@woodsrogers.com>

Cc: Katie Thomas <kthomas@vbclegal.com>

Subject: Re: Anthony Smith - Rule 41 Dismissal

****EXTERNAL EMAIL****

Matt:

Thanks, I'll wait to hear from Josh.

On 8/18/22 13:58, Lee, Matthew wrote:

Paul – The terms are agreeable with my camp. Thanks.

Matthew Lee
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
8444 Westpark Drive - Suite 510
McLean, VA 22102-5102
703.852.7788 (Direct)
703.303.1460 (Cell)
703.245.9300 (Main)
703.245.9301 (Fax)
matthew.lee@wilsonelser.com



From: M. Paul Valois [<mailto:mvalois@vbclegal.com>]

Sent: Thursday, August 18, 2022 12:51 PM

To: Lee, Matthew <matthew.lee@wilsonelser.com>; jlong_woodsrogers.com
<jlong@woodsrogers.com>

Cc: Katie Thomas <kthomas@vbclegal.com>

Subject: Anthony Smith - Rule 41 Dismissal

[EXTERNAL EMAIL]

Matt and Josh:

Per our conversation, I propose a Rule 41 dismissal without prejudice on the following terms:

1. We adopt all discovery requests and responses to date (subject to supplementation).
2. Toll statute of limitations for 9 months after date of entry of dismissal order (this is actually less than I think I have remaining, after looking at the dates).
3. Refile in VAWD Lynchburg division.

If I have to refile I will need to add a ratification count to the Monell claim.

This will also give me time to see if I want to go through the hassle of a med-mal claim or not. I agree that my expert spoke to a med mal claim, but that doesn't mean I necessarily want to assert one. I also need to get to the UVA surgeon to see if there is any connection between this surgery and the incident.

If Mr. Smith gets stabilized in the interim, maybe we can discuss settlement. He sounded pretty good on the phone the other day, so there seems to be hope.

Thanks,

--

M. Paul Valois
JAMES RIVER LEGAL ASSOCIATES
7601 Timberlake Road
Lynchburg, VA 24502
P. (434) 845-4529
F. (434) 845-8536

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Thank you.

--

M. Paul Valois

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Lynchburg, VA 24502
P. (434) 845-4529
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Thank you.

--

M. Paul Valois

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Thank you.